

REMARKS

In the Office Action dated May 16, 2006, the Examiner objected to claims 7-10, 24-26, 31, and 36 based on informalities; rejected claims 30 and 35 under 35 U.S.C. § 112, second paragraph, as being indefinite; rejected claims 1-3, 5, 6, 20, 21, 23, 25, 26, 35, and 36 under 35 U.S.C. § 102(b) as being anticipated by WO 96/28198 (WO'198); rejected claims 4, 11-15, and 27-34 under 35 U.S.C. § 103(a) as being unpatentable over WO'198 in view of U.S. Patent No. 5,679,245 to Manica; rejected claims 7-10 under 35 U.S.C. § 103(a) as being unpatentable over WO'198 in view of an article to Shettigar; rejected claims 16-19 under 35 U.S.C. § 103(a) as being unpatentable over WO'198 in view of U.S. Patent No. 5,536,412 to Ash; and rejected claim 22 under 35 U.S.C. § 103(a) as being unpatentable over WO'198 in view of U.S. Patent Application Publication No. 2005/0043666 A1 to Pan.

Claims 1-36 are pending in this application. By this Reply, Applicants amend claims 1-4, 7-10, 11-15, and 18-36 to more clearly define Applicants' invention.

In the Office Action, the Examiner objected to claims 7-10, 24-26, 31, and 36 based on informalities. Applicants respectfully submit that the Examiner's objections are moot in light of Applicants' amendment of claims 7-10, 24-26, 31, and 36.

Accordingly, Applicants ask the Examiner to withdraw these objections.

The Examiner also rejected claims 30 and 35 under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicants respectfully submit that the Examiner's rejections are also moot in light of Applicants' amendment of claims 30 and 35.

Accordingly, Applicants ask the Examiner to withdraw the rejection under 35 U.S.C. § 112, second paragraph.

Applicants respectfully traverse the Examiner's rejection of claims 1-3, 5, 6, 20, 21, 23, 25, 26, 35, and 36 under 35 U.S.C. § 102(b) as being anticipated by WO '198. WO '198 fails to teach each and every limitation of claim 1. The Examiner asserts that WO '198 teaches "a device for the extracorporeal treatment of blood comprising first filter (10) and a second filter (13)...a first chamber and a second chamber and a first inlet of the first chamber...connected to a blood input line (22) and a first outlet of the first chamber...connected to a blood output line (23) and a second outlet of the second chamber...connected to the first inlet of the second chamber...via a line, the first outlet of the first chamber...connected to the input line (22) via a line, the second outlet of the second chamber...connected to the input line (22) via a line, the second outlet of the second chamber...(13) has a discharge line (see figure 2; page 4)(claims 1-3)." (Office Action at 2-3.)

Contrary to the assertions set forth in the Office Action, WO '198 does not teach "the second outlet of the treatment unit [that] is in fluid communication with a first waste liquid discharge line" (emphasis added), as recited in claim 1. In fact, WO '198 does not teach a second chamber having a waste liquid discharge line at all. WO '198 expressly teaches that there "are no volumetric changes of the blood in [the] closed system" (page 1, paragraph 2) and thus, the reference fails to teach any sort of "waste liquid discharge line," as recited in claim 1. The outputs (12, 18) of the second filter (13) in WO '198 are recycled within the closed system, either returning blood to a reactor (15) or a first filter (10), and do not dispose of a waste liquid. (See figure 2; page 2, paragraph 2.) Thus, WO '198 fails to teach every element of claim 1. Accordingly, claim 1 is not anticipated

by WO '198 and is allowable. Moreover, claims 2, 3, 5, 6, 20, 21, 23, 25, and 26 are allowable at least due to their dependence from allowable claim 1.

WO '198 similarly fails to teach each and every element of independent claim 35. The Examiner contends that WO '198 teaches "the method of filtering blood through the first filter (10)...and sending blood out from the first filter (10) to the output line (23) and sending a retentate (12) to a drain line." (Office Action at 3.) Applicants respectfully disagree with the Examiner's characterization of the method disclosed in WO '198. As discussed above, WO '198 discloses a closed system. Moreover, as portrayed in Figure 2 and described on page 4, the outputs of the first filter return blood to the patient (23) or to a reactor (15). Thus, WO '198 fails to teach a method comprising the step of "sending a non-filtered liquid from the second chamber of the treatment unit to a waste drain line, said drain line being connected to the second fluid outlet of the treatment unit" (emphasis added), as recited in claim 35. Accordingly, claim 35 is not anticipated by WO '198 and is allowable. Moreover, claim 36 is allowable at least due to its dependence from allowable claim 35.

Applicants similarly traverse the Examiner's rejection of claims 4, 11-15, and 27-34 under 35 U.S.C § 103(a) as being unpatentable over WO'198 in view of Manica. The Examiner contends that Manica teaches "an extracorporeal blood treatment device comprising a waste liquid collection container (86) on a balance (92) and connected to an outlet of a blood treatment unit (44)." (Office Action at 4.) Manica expressly teaches a device containing only one exchanger. (See Fig. 1.) Manica, however, does not teach a device having an exchanger and a treatment unit, wherein a "second outlet of the exchanger [is] in fluid communication with the first inlet of the treatment unit," as

required by claim 1. Manica also fails to overcome the above-mentioned deficiencies of WO '198. Accordingly, both WO '198 and Manica fail to teach or suggest a "second outlet of the treatment unit [that] is in fluid communication with a first waste liquid discharge line" (emphasis added), as recited in claim 1. Accordingly, claims 4, 11-15, and 27-34 are allowable at least due to their dependence from allowable claim 1.

Applicants further respectfully traverse the Examiner's rejection of claims 7-10 under 35 U.S.C. § 103(a) as being unpatentable over WO'198 in view of the Shettigar article. The Examiner contends that "WO '198 teaches a device for the extracorporeal treatment of blood as described above in paragraph 5." (Office Action at 5.) Nevertheless, as noted above, WO '198 fails to teach every element of claim 1, from which claims 7-10 indirectly depend. The Examiner contends that the Shettigar article teaches "an apparatus comprising two filters in series wherein the first filter has cut-off value of 40,000 daltons and the second filter has cut-off value of 10,000 daltons." (Office Action at 5.) Such teachings, however, fail to overcome the above-mentioned deficiencies of WO '198. Claims 7-10, therefore, are allowable at least due to their dependence from allowable claim 1.

Applicants also respectfully traverse the Examiner's rejection of claims 16-19 under 35 U.S.C. § 103(a) as being unpatentable over WO'198 in view of Ash. The shortcomings of WO '198 are discussed above. The Examiner contends that Ash "teaches an extracorporeal blood treatment device comprising a plasma filter having a cut off value of 50,000 to 6 million daltons." (Office Action at 6.) Such alleged disclosure, however, fails to cure the above-noted deficiencies of WO '198. Claims 16-19, therefore, are allowable at least due to their dependence from allowable claim 1.

The Examiner also rejected claim 22 under 35 U.S.C. § 103(a) as being unpatentable over WO'198 in view of Pan. Applicants respectfully traverse this rejection. The shortcomings of WO '198 are set forth above. The Examiner contends that Pan "teaches an extracorporeal blood treatment device comprising a UV lamp (24) radiating a tube containing blood to kill HIV virus." (Office Action at 7.) Such teachings, however, fail to overcome the above-mentioned deficiencies of WO '198. Claim 22, therefore, is allowable at least due to its dependence from allowable claim 1.

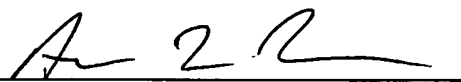
In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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